IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 20274 of 2004

Between:

M.Vasudev Goud, s/o Saaya Goud,
r/o H.No.1-122, Balanagar, Hyderabad.

..... PETITIONER

AND

1 The Assistant Commissioner of Police, Balanagar, Ranga Reddy District.
2 The Station House Officer, Sanathnagar, Hyderabad.
3 Surender Reddy, Occ:Circle Inspector, Sanathnagar Police Station, Address: Police Station, Sanathnagar, Hyderabad.
4 R.Suder, s/o Rangaswamy, r/o H.No.2-152/1, Road No.2, Sobhana Colony, Balanagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus: i) declaring the action of the respondents No.1 to 3 in interfering with the Civil Litigation pending in I.A.No.2486/2003 in CMA No.153/2003 on the file of the II Additional District Judge, Ranga Reddy, in respect of the Plot No.102 & 103, admeasuring 1,600 sq.yards situated in Sy.No.734, at Sri Venkateshwara Co.operative Industrial Estate, Kukatpally Village, Balanagar Mandal, Ranga Reddy District as arbitrary, illegal, violative of the Articles 14 & 21 of the Constitution of India and consequently direct the respondents Nos.1 to 3 not to interfere in the Civil Litigation pending in CMA No.153/2003 on the file of the II Additional District Judge, Ranga Reddy in respect of Plot No.102 & 103, admeasuring 1,600 sq.yards situated in Sy.No.734, at Sri Venkateshwara Co.operative Industrial Estate, Kukatpally Village, Balanagar Mandal, Ranga Reddy District.

Counsel for the Petitioner:MR.A.SUDERSHAN REDDY

Counsel for Respondents 1 and 2: GP FOR HOME

Counsel for Respondents 3 and 4: None appeared

The Court at the stage of admission made the following ORDER:

The petitioner states that at the instance of the fourth respondent, respondents 1 to 3 are interfering with his possession over certain landed property in plot Nos.102 and 103 of Sri Venkateshwara Co-operative Industrial Estate, Kukatpally. It is also his case that in relation to the same property, the fourth respondent filed O.S.No.644 of 2003 on the file of the Principal Junior Civil Judge, Hyderabad West & South, Ranga Reddy District and that an order of temporary injunction was granted against him in I.A.No.1835 of 2003. He claims to have filed C.M.A.No.153 of 2003 on the file of the V Additional District Judge (Fast Track Court), Ranga Reddy District along with another person and it was allowed on 10-12-2004. He seeks a declaration that the action of respondents 1 to 4 in interfering with his possession over the property, referred to above, is illegal and arbitrary.

Heard learned counsel for the petitioner, learned Government Pleader for Home and learned counsel for the fourth respondent, who took notice at the stage of admission.

It is a matter of record that the petitioner on the one hand, and the fourth respondent on the other have disputes in relation to the property referred to above and a suit is pending in relation thereto. The parties have availed the remedies for obtaining interlocutory orders also. Therefore, they have to abide by the decisions rendered by the civil Courts at various stages in those proceedings. Once the matter is pending adjudication in civil Court, respondents 1 to 4 have no role to play about the matter and they are not supposed to interfere,

On instructions, learned Government Pleader submits that respondents 1 to 3 have not interfered nor they proposed to interfere in relation to the subject matter.

Recording the same, the writ petition is disposed of directing that the petitioner and the fourth respondent shall abide by the orders that are passed from time to time in O.S.No.644 of 2003 or other proceedings arising out of it and respondents 1 to 4 shall not interfere with the said property in any manner. No order as to costs.

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23-12-2004

kdl

To

1 The Assistant Commissioner of Police, Balanagar, Ranga Reddy District.
2 The Station House Officer, Sanathnagar, Hyderabad.
3 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.